

REMARKS

The originally filed Figures 1 – 5 have been cancelled. Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for the Figures of the Drawings have been submitted herewith. The specification has been amended. Claim 13 has been amended. New dependent claims 25 - 28 depending ultimately from claim 13 have been added. Claims 13 - 28 are currently pending in the present application.

In the Office Action, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and 37 CFR 1.84(p)(5). Moreover, in the Office Action, the disclosure is objected to because of an informality. Additionally, in the Office Action, claim 13 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Also, in the Office Action, claim 24 is rejected under 35 U.S.C. §102(b) as being anticipated by Pettinari EP 0 722 070. Furthermore, in the Office Action, claims 13 – 19 and 21 – 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Application No. 2005/0106046, in view of Werke GmbH & Co. DE 200 15 726 U1. Also, in the Office Action, claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1, further in view of Kudoh US Patent No. 6,354,287.

The Objection To The Drawings

With respect to the objection to the drawings, it is respectfully submitted that this objection is now moot in view of the cancellation of originally filed Figures 1 – 5 and the submission herewith of Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for entry into the record. New Figures 1 – 5 of the drawings now show individual reference characters 5A, 5B, 5C, 5D, 5E, and 5F in lieu of the original reference character “5” and the reference sign “13” has been added (to new Figure 4). Also, the specification has been amended to include the reference characters 5A, 5B, 5C, 5D, 5E, and 5F.

The Objection To The Disclosure

With respect to the objection to the disclosure, it is respectfully submitted that this objection is now moot in view of the cancellation of originally filed Figures 1 – 5 and the submission herewith of Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for entry into the record. New Figures 1 – 5 of the drawings now show individual reference characters 5A, 5B, 5C, 5D, 5E, and 5F in lieu of the original reference character “5.”

The Rejection Of Claim 13 under 35 U.S.C. §112,Second Paragraph

With respect to the rejection of claim 13 under 35 U.S.C. §112, second paragraph, it is respectfully submitted that this rejection has now been overcome in view of the amendment of claim 13.

With respect to the prior art rejections of claims 13 – 24, favorable reconsideration is respectfully requested in view of the amendment of claim 13 and the following comments.

The Claimed Invention

The present invention is directed to a ventilator housing and, in an exemplary embodiment recited, for example, in claim 13 of the present application as currently amended, the ventilator housing is configured for installation in an extraction hood and for accommodating at least one ventilator. As recited in claim 13 of the present application as currently amended, the ventilator housing includes at least one seat arrangement, the seat arrangement including a plurality of retention devices for detachable retention of a plurality of technical components for operating the ventilator on the seat arrangement. The retention devices include a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves.

The Rejection Of Independent Claim 24 under 35 U.S.C. §102(b) As Being Anticipated By Pettinari EP 0 722 070

Claim 24 of the present application recites a ventilator housing for installation in an extraction hood, particularly in a flat extraction hood. The ventilator housing includes at least one of at least one condenser seat arrangement, at least one control board seat arrangement, at least one mains connection seat arrangement or at least one seat arrangement for a printed circuit board formed integrally with the ventilator housing.

Pettinari EP 0 722 070 discloses a motor-fan assembly 1 of a household hood and a recess 8 wherein electric componentry 7 to be connected to the hood's outside controls are located, including componentry 7a in the form of a circuit board (Fig. 2 of Pettinari EP 0 722 070).

The Office Action asserts that Pettinari EP 0 722 070 discloses a ventilator housing comprising at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. However, it is submitted that claim 24 of the present application recites a ventilator that is neither taught or disclosed by Pettinari EP 0 722 070. For example, Pettinari EP 0 722 070 does not disclose, as asserted by the Office Action, at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. Instead, the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel 20A, not a "seat arrangement." For these and other reasons, Pettinari EP 0 722 070 does not anticipate under 35 U.S.C. §102(b) the subject matter defined by independent claim 24. Therefore, Claim 24 is allowable.

The Rejection Of Independent Claim 13 under 35 U.S.C. §103(a) As Being Unpatentable Over Winkler US Patent Application No. 2005/0106046 in view of Werke GmbH & Co. DE 200 15 726 U1

Winkler US 2005/0106046 discloses a double fan 20 having a lateral housing part 98. A circuit board 94 with its components 96 is located in the lateral housing part 98.

Werke GmbH & Co. DE '726 U1 discloses a wire holding arrangement (6) that is secured to a housing (2) of an exhaust hood (1) via fasteners (7) inserted into bores (8) in the housing (2).

The Office Action asserts that Winkler US 2005/0106046 teaches a ventilator comprising a seat arrangement 98 with the seat arrangement 98 including a plurality of fixture devices 102 for the detachable fixture of a plurality of technical components 94 and 96 for operating the ventilator. The Office Action notes that Winkler US 2005/0106046 does not teach grooves and clips for securing the seat arrangement. Nonetheless, the Office Action asserts that Werke GmbH & Co. DE '726 U1 teaches a ventilator housing wherein a fixture device (6) includes a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing the components in the grooves (8). According to the Office Action, it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1 in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing.

It is submitted that, in fact, it would not have been obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1. Winkler US 2005/0106046, for example, discloses a miniature fan 62 having an encapsulated structure in the configuration of its lateral housing part 98 in which electric components are located. A flexible conductor 92 extends from a circuit board 94 in the lateral housing part 98 to a circuit board 90 in another compartment of the fan 62. In contrast,

Werke GmbH & Co. DE '726 U1 is directed to an externally mounted wire holding arrangement (6) that is secured to a housing (2) of an exhaust hood (1). Combining Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 would seem to lead to a teaching that the wires of Winkler US 2005/0106046, such as its flexible conductor 92, should not be mounted within the housing structure of the fan 62 but, instead, should be arranged in an arrangement externally mounted to the fan 62. This modification would thus seem to complicate, rather than simplify, the assembly of the housing and the blower components and, in fact, this modification may be additionally disadvantageous in that penetrations in the housing of the fan 62 of Winkler US 2005/0106046 may need to be added to permit entry of the now-externally mounted wiring into the fan housing.

Moreover, even if one of skill in the art would have been motivated, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1, which Applicants submit would not have been the case, a combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 would still fail to yield the ventilator housing recited in claim 13 of the present application as currently amended. For example, Werke GmbH & Co. DE '726 U1 does not teach or disclose, as recited in claim 13, a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves. The Office Action asserts that Werke GmbH & Co. DE '726 U1 teaches a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing the components in the grooves (8). However, Werke GmbH & Co. DE '726 U1 does not disclose "grooves (8)." Instead, Werke GmbH & Co. DE '726 U1 discloses a plurality of bores (8) whose purpose is to receive the clip elements (7) inserted therein. Thus, these bores (8) of Werke GmbH & Co. DE '726 U1 are not "grooves." Even beyond that, the bores (8) of Werke GmbH & Co. DE '726 U1 are not "grooves for inserting a plurality of technical components," as recited in claim 13 of the present application as currently amended. The plurality of grooves of the seat arrangement of the inventive ventilator housing have the specific function of receiving components that have been inserted therein, whereupon such components are retained by the seat arrangement. The bores (8) of Werke GmbH & Co. DE '726 U1 appear to

be provided for the sole purpose of permitting the clip elements (7) to be secured to a housing (2) of an exhaust hood (1) and do not appear to serve any purpose arguably related to securing technical components such as control boards, mains connection plugs, or condensers in a ventilator housing.

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." Id. (quoting W.L. Gore & Assocs. Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)). In view of the fact that the prior art, as discussed, fails to provide any hint or motivation for combining Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1, and in view of the fact that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 themselves lack the features of the ventilator housing of the present invention, it appears that only hindsight reasoning based upon the Applicants' own disclosure could be the basis for the suggested combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 and such hindsight reasoning is not permitted.

Upon evaluation of the combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 proposed by the Office Action, then, it is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 13 has not been established.

**The Rejection Of Claims 14 – 19 and 21 – 23 under 35 U.S.C. §103(a) As
Being Unpatentable Over Winkler US Patent Application No. 2005/0106046 in view
of Werke GmbH & Co. DE 200 15 726 U1**

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 14, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is constructed integrally with the ventilator housing 22. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 15, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is arranged on the exterior of the ventilator housing 22 (fig. 3). However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 16, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes fixing means 102 for securing the technical components 94 and 96. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a

prima facie case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 17, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the technical components 94 and 96 are secured in the seat arrangement 89 by positive 102 and non-positive (fig. 5) locking means. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 18, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes a cover closure element 100 and 142 for closing the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 19, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement has at least one opening (fig. 3) to allow a cable 92 to pass therethrough. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 21, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing including at least one of a condenser, a mains connector, a printed circuit board 90 or at least one control board detachably secured to the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 22, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing further comprising a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires 92 for connecting the technical components 94 and 96 to each other. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 but notes that Winkler US 2005/0106046 does not teach the use of the housing in an extraction hood. Nonetheless, according to the Office Action, Werke GmbH & Co. DE '726 U1 further teaches a housing wherein the ventilator housing (2) is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (page 1, paragraph 1). However, even in the event that Werke GmbH & Co. DE '726 U1 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of

a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Rejection Of Claim 20 under 35 U.S.C. §103(a) As Being Unpatentable Over Winkler US Patent Application No. 2005/0106046 in view of Werke GmbH & Co. DE 200 15 726 U1 And Further In View Of Kudoh US Patent No. 6,354,287

Kudoh '287 discloses a blower unit A for a range hood having an electrical wire box 4 and a cover 7. A taking-out port 21 secures a cord W to the electrical wire box 4.

It is submitted that the rejection of claim 20 as being unpatentable over Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and further in view of Kudoh US Patent No. 6,354,287 under 35 U.S.C. §103(a) should also be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and in view of the failure of Kudoh US Patent No. 6,354,287 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other two applied references.

New Claims 25 – 28

It is also submitted that new claims 25 – 28 patentably define over the prior art of record as well. For example, new claims 25 – 27, which depend ultimately from claim 13, recite various features of the ventilator housing relating to lateral grooves into which a circuit board can be inserted as well as the feature that the plurality of clip elements includes a positive locking element operable to resist withdrawal of a circuit board that has been inserted into a respective one of the lateral grooves. It is submitted that, for example, none of Pettinari EP 0 722 070, Winkler US 2005/0106046, Werke GmbH & Co. DE '726 U1, or Kudoh '287 teach or disclose such features.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 13 – 28 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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